

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARTIN MARQUEZ,  
CAROLYN RUSSELL and  
ROBERT MORIMOTO,

Defendants.

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8:08CR479

ORDER

This matter is before the court on the oral motion to continue by defendant Robert Morimoto (Morimoto). Morimoto seeks a continuance of the trial of this matter pending completion of substance abuse treatment. The government has no objection to the motion. Morimoto has submitted an affidavit in accordance with paragraph 9 of the progression order whereby Morimoto consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted and trial will be continued **as to all defendants**.

**IT IS ORDERED:**

1. Morimoto's oral motion to continue trial is granted.
2. Trial of this matter is re-scheduled for **May 12, 2009**, before Judge Laurie Smith Camp and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **March 16, 2009 and May 12, 2009**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 16th day of March, 2009.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge